

REMARKS

Claims 1-21 were previously pending. By this Amendment, claims 1, 4 and 20 are amended. Claim 2 is canceled. No new matter is being added.

The Examiner objected to Fig. 2 as filed because it did not indicate which conditions determined the subsequent action following steps 210 and step 212. A replacement Fig. 2 is submitted with this Amendment. In replacement Fig. 2, “yes” and “no” indications have been added following steps 210 and 212 to be consistent with the written description. Support for the drawing amendment can be found, for example, at paragraph [0020] of the written description. The Examiner is asked to withdraw the objection to the drawings.

The Examiner also objected to the specification because of a typographical error in paragraph [0013]. Paragraph [0013] has been amended so that “Slot Data System” now reads as “Slot Management System”. The Examiner is asked to withdraw the objection to the specification.

The Examiner rejected claims 1 and 4 under 35 U.S.C. 112 for failing to provide an antecedent basis for “the customer”. The claims are amended to provide the appropriate antecedent basis. Claim 20 is amended for the same reason. Claim 4 is additionally amended to clarify the relationship between activity at the second casino and the indication stored in a customer’s account. The Examiner is asked to withdraw the rejection under 35 U.S.C. 112.

The Examiner rejected claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Lanier et al. (“Lanier”) in view of Kazaoka et al. (“Kazaoka”), Fertitta III Et al. (“Fertitta”), and the Mississippi Gaming Commission Regulations. Applicants traverse the rejection, and additionally argue that the Mississippi Regulations are not available as a reference.

Claim 1 as amended recites:

A method for automatically restricting access to a casino gaming machine, the method comprising:

- storing in an account associated with a customer an indication that the customer’s gaming activity should be restricted;
- receiving electronically at the casino an indication that the customer is attempting to use a gaming machine at the casino; and
- electronically preventing the gaming machine from being played by the customer; and
- notifying an employee of the casino that the customer is attempting to use the gaming machine.

The claimed invention enables a casino to automatically prevent a customer from playing a gaming machine if the customer's account indicates that he is subject to such a restriction. This provides a benefit both to casinos who face the problem of deterring unwelcome customers as well as to those customers who have themselves indicated a desire to be prevented from playing.

According to the claimed invention, an indication is stored in the customer's account to reflect that the customer should be restricted from taking part in gaming activity. When a customer attempts to use a gaming machine at the casino, the gaming machine is electronically prevented from being played by the customer, and a casino employee is notified of the attempt.

Lanier discloses a system and method for utilizing an exclusion list database for casinos. According to Lanier, a list of excluded people is kept in a database. When a person attempts to cash a check at a casino, the person's identification is compared to the database to determine whether the person appears on the exclusion list. If so, the check is not cashed. Lanier is not directed toward preventing an excluded person from operating a gaming machine, but rather is focused on preventing the cashing of checks in violation of local law. Lanier does not disclose the claimed step of "receiving electronically at the casino an indication that the customer is attempting to use a gaming machine at the casino;" nor the claimed step of "electronically preventing the gaming machine from being played by the customer;" nor the claimed step of "notifying an employee of the casino that the customer is attempting to use the gaming machine".

Kazaoka provides a gaming machine designed to distract players who have spent too long at the machine by, for example, playing a TV news broadcast (see, e.g., paragraph [0017]). Kazaoka teaches that a player should be gently dissuaded from playing the game so that he will stop of his own volition – "Preferably, the game inhibition processing is performed while the game processor proceeds the game. Therefore, there is no necessity of forcefully terminating a game" (paragraphs [0012]-[0013]). Unlike Kazaoka, the claimed invention is directed at identifying restricted customers, preventing them from playing, and notifying an

employee that the customer is attempting to play the game. Kazaoka therefore does not disclose at least the claimed step of “storing in an account associated with a customer an indication that the customer’s gaming activity should be restricted;” nor the claimed step of “receiving electronically at the casino an indication that the customer is attempting to use a gaming machine at the casino.”

The claimed invention is also patentably distinct from Fertitta. Fertitta describes a system for tracking wagering activity and providing promotions to players who wager at multiple affiliated casinos. Fertitta is not concerned with automatically excluding people from the casino, but rather with attracting people to the casino. Casinos have long faced the real problem of how to prevent certain customers from playing. Prior the claimed invention, various manual processes were used with varying degrees of success to achieve the required restrictions. This was so in spite of the long time existence of player tracking systems such as described in Fertitta. (See, e.g., Applicants’ paragraph [0003] – [0006].) Fertitta does not disclose any of the elements of claim 1.

The Examiner also cites the Mississippi Gaming Commission Regulations for support of his obviousness rejection. However, the Regulations provided are not available as a reference, because they do not predate the priority date of Applicants’ application. Page 1 of the Regulations state that “This document contains all Regulations Adopted thru [sic] June 15, 2006”. Section J 4, identified by the Examiner as being the most relevant portion of the reference, states that it was amended as recently as September 24, 2003. As Applicants’ claim priority to a provisional application filed on October 16, 2002, the Regulations supplied by the Examiner are not available as a reference.

Accordingly, even when the Lanier, Kazaoka and Fertitta references are combined, at best what is taught is that players can be rewarded with promotions for wagering at multiple casinos (Fertitta), that customers can be cross-referenced against an exclusion list supplied by a government body when they try to cash a check (Lanier), and that a gambling machine can be configured to discourage a customer from gambling for too long a period at the machine

(Kazaoka). The combination, therefore, does not teach, disclose or suggest claim 1, taken as a whole, and the rejection of claim 1 should be withdrawn.

Claim 4 is also patentable over the cited references. In addition to the discussion above with respect to claim 1, the references fail to disclose the claimed features of storing at a first casino an indication that a customer's gaming activity should be restricted, and preventing a gaming machine from being played by the customer at a second casino based upon the stored indication. Accordingly, claim 4 is patentable over the cited references.

Independent claims 20 and 21 are patentable over the cited references for reasons analogous to claims 1 and 4.

Dependent claims 3 and 5-19 are patentable because they depend from patentable independent claims. In addition, the Examiner has failed to provide a prima facie case for rejecting the dependent claims. For example, no prima facie case is provided for rejecting claim 3, which recites the additional feature of notifying an employee of the casino of the location of the gaming machine. Nor has the Examiner provided a prima facie rejection of claim 5, which recites the claimed feature of storing a log he customer account, including details of the restriction. The rejections of dependent claims 6-19 similarly also lack a prima facie showing.

Accordingly, the Examiner is asked to withdraw the rejection of all claims, and to issue a Notice of Allowance of all pending claims, claims 1 and 3-21.

If any matters remain outstanding prior to allowance, the Examiner is invited to contact Applicants' attorney, Daniel Brownstone, at (415) 875-2358 in order to advance prosecution of the case.

Respectfully submitted,
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